

In the Matter of the Accusation )  
Against: ) No. D-4289  
)  
RANDAL LEE GARCIA ) OAH No. N-36716  
Box 1119 )  
Brookings, OR 97415 )  
)  
Physician and Surgeon )  
Certificate No. G44501, )  
)  
)  
Respondent. )  
)

## OAH 15 (Rev. 6/84)

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DIVISION OF MEDICAL QUALITY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
Against:	)	No. D-4289
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RANDAL LEE GARCIA	)	OAH No. N-36716
Box 1119	)	
Brookings, OR 97415	)	
	)	
Physician and Surgeon	)	
Certificate No. G44501,	)	
	)	
	)	
Respondent.	)	

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PROPOSED DECISION

On October 17, 1990, in Sacramento, California, John D. Wagner, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Complainant was represented by Joel S. Primes, Supervising Deputy Attorney General.

Respondent represented himself.

Evidence was received, the record was closed and the matter was submitted.

FINDINGS OF FACT

I

Kenneth J. Wagstaff made the Accusation in his official capacity as Executive Director, Medical Board of California, Division of Medical Quality, Department of Consumer Affairs, State of California.

## II

On May 4, 1981, the Medical Board of California issued Physician and Surgeon Certificate No. G44501 to respondent. The certificate was in full force and effect at all times pertinent herein, and has been renewed through November 30, 1990.

## III

On June 1, 1988, the Oregon Board of Medical Examiners revoked respondent's license to practice medicine in Oregon, then stayed the revocation for 10 years under conditions. The Oregon Board's action was based on findings that respondent engaged in a pattern of conduct of treating patients which utilized medical services for diagnosis or treatment which was unnecessary and inappropriate. These services involved inappropriate prescription writing, unnecessary laboratory and x-ray work, and excessive use of ultrasound equipment. The Oregon Board found such conduct to be willful, contrary to recognized standards of ethics of the medical profession, and unprofessional conduct.

## IV

Respondent is married, has five children under the age of 12, and resides in Brookings, Oregon. He is practicing in Brookings and complying with the terms of his probation. Respondent graduated from Loma Linda School of Medicine in 1979. He did his residency in family practice at East Tennessee State University. He is a fellow of the American Academy of Family Physicians and is board certified. He is a sole practitioner and his practice is primarily pediatrics and geriatrics. Approximately eight to ten percent of his patients reside in California. He does not make house calls to California.

## DETERMINATION OF ISSUES

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

### I

Cause for disciplines of respondent's certificate was established pursuant to sections 2234 and 2305 of the Business and Professions Code, by reason of Finding III.

### II

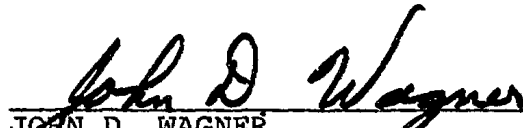
In view of the seriousness of the violations which led to respondent's discipline by the Oregon Board of Medical Examiners, respondent's California certificate should be revoked, without stay, and reinstated, if petitioned for, upon a proper showing, including successful compliance with and termination of respondent's terms and conditions of probation in Oregon.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Certificate Number G44501 issued to respondent Randal Lee Garcia is revoked.

Dated: November 7, 1990

  
JOHN D. WAGNER  
Administrative Law Judge  
Office of Administrative Hearings

1 JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
2 JOEL S. PRIMES,  
Supervising Deputy Attorney General  
3 JUNE LAVERNE LONG,  
Deputy Attorney General  
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P. O. Box 944255  
5 Sacramento, California 94244-2550  
Telephone: (916) 324-5329

6 Attorneys for Complainant  
7

8  
9 BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DIVISION OF MEDICAL QUALITY  
10 DEPARTMENT OF CONSUMER AFFAIRS  
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation  
Against:

) NO. D-4289  
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13 RANDAL LEE GARCIA  
14 Box 1119  
Brookings, OR 97415  
15 Physician and Surgeon  
Certificate No. G44501,  
16

) ACCUSATION  
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17 Respondent.

18 Kenneth J. Wagstaff, Executive Director, for causes  
19 for discipline, alleges:  
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21 1. Complainant Kenneth J. Wagstaff makes and files  
22 this accusation in his official capacity as Executive  
23 Director, Medical Board of California, Division of Medical  
24 Quality, Department of Consumer Affairs, State of California.  
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26 2. On May 4, 1981, the Medical Board of California  
27 issued physician and surgeon certificate number G44501 to  
28 Randal Lee Garcia. The certificate was in full force and

1 effect at all times pertinent herein and has been renewed  
2 through November 30, 1990.

3

4           3. Under Business and Professions Code section  
5 2220, the Division of Medical Quality may take action against  
6 all persons guilty of violating provisions of the Medical  
7 Practice Act.

8           Under Business and Professions Code section 118(b),  
9 the expiration of a license shall not deprive the board of  
10 jurisdiction to proceed with a disciplinary action during the  
11 period within which the license may be renewed, restored,  
12 reissued or reinstated. Under Business and Professions Code  
13 section 2456.3, the Board may renew an expired license at any  
14 time within five years after the expiration.

15

16           4. Respondent has subjected his certificate to  
17 discipline under Business and Professions Code section 2234  
18 on the grounds of unprofessional conduct as defined in  
19 section 2305 of that code in that on June 1, 1988, the Oregon  
20 Board of Medical Examiners revoked respondent's license to  
21 practice medicine in that state, then stayed the revocation  
22 for ten years, under conditions.

23

24           WHEREFORE, complainant prays that a hearing be held  
25 and that the Division of Medical Quality issue an order:

26           1. Revoking or suspending physician and surgeon  
27 certificate number G44501, issued to Randal Lee Garcia.

28           2. Prohibiting Randal Lee Garcia from supervising

1 a physician's assistant.

2 3. Taking such other and further action as may be  
3 deemed proper and appropriate.

4 DATED: June 29, 1990

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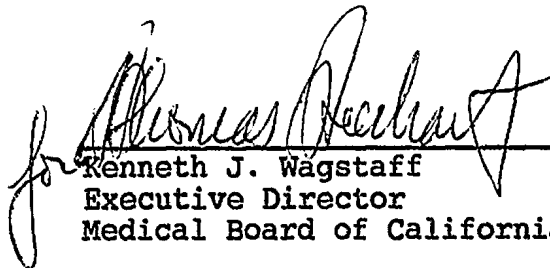
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(Judith A. Rose)

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28

  
Kenneth J. Wagstaff  
Executive Director  
Medical Board of California

Department of Consumer Affairs  
State of California

Complainant